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ABSTRACT

This procedures manual is intended to provide guidance to Maine school officials for developing strategies and policies to assure regular attendance of students in school. Part 1 examines factors affecting school attendance, noting that the school and home may serve as enablers for the student who becomes unaccountable for attendance. These enabling factors may include the following: (1) failure to confront excessive absences; (2) acceptance of late homework; (3) establishing vague or unenforceable discipline policies; (4) attributing attendance problems to the family only, but not involving the family in the solution; (5) failure to establish school expectancies and recognition of regular attendance; and (6) setting low expectations for students. Part 2 reviews the steps to be followed in developing appropriate and effective policies. Parental support, cooperation, and active involvement, as well as community responsibility for supporting and promoting school attendance are emphasized. Part 3 examines the role of the attendance coordinator. Under current Maine law, each school unit must designate an attendance coordinator who is professionally qualified to carry out the duties. The coordinator must work with all staff and community persons to determine the causes of the irregular attendance. Part 4 provides a summary of Maine statues related to attendance. Complete sections of Maine statutes are contained in an appendix. (LLL)

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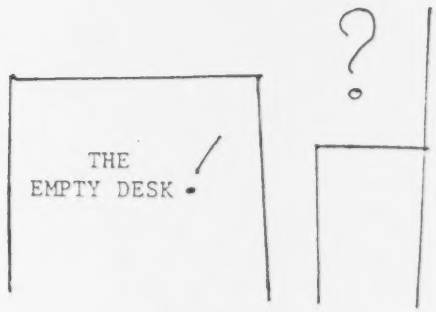
MAINE DEPARTMENT OF EDUCATION

# POLICY AND PROCEDURES MANUAL

# for

# IMPROVING SCHOOL ATTENDANCE




Office of Truancy, Dropout and Alternative Education

August 1990

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## *Preface*

The purpose of this procedures manual is to provide guidance to school officials for developing strategies and policies to assure regular attendance of students in school. The Appendix contains complete sections of Maine statutes which should be referred to as you develop your school unit's plan of action.

Assuring regular attendance of all students is an essential component of successful dropout prevention planning. School policies and practices must be examined at each grade level and in each school to develop consistent, enforceable and effective policies. Periodic examination and review of the results of these policies must be undertaken on a regular basis.

Frank J. Antonucci, Jr.
Consultant
Truancy, Dropout and Alternative Education

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## I. *Factors Affecting School Attendance*

Reports of incidence of unresolved habitual truancy cases in Maine schools has shown an alarming increase in the past five years. Chronic truancy (unexcused absences) is not restricted to urban high schools or large high schools. Irregular attendance -- whether absences are excused or not -- should be regarded as a precursor of future habitual truancy and one step towards dropping out.

Too often, the school, as an institution, serves as an enabler for the student who becomes unaccountable for his/her irregular attendance. These enabling behaviors may include the following:

- o failure to confront excessive absences and tardiness by accepting "excused absences" from parents;
- o acceptance of late homework;
- o establishing vague or unenforceable discipline policies;
- o attributing attendance problems to the family only, but not involving the family in the solution;
- o failure to establish school expectancies and recognition of regular attendance;
- o setting low expectations for students.

These same enabling behaviors may also be evident in the home and/or the community. Parents must be made aware of their role in reinforcing practices which provide incentives for children who attend school regularly, while providing deincentives for nonattendance.

## II. *Developing Effective School Policies on Strategies*

The steps to be followed in developing appropriate and effective policies should be reviewed carefully in advance. The process of development is often more important than the actual product. Questions which must be answered include the following:

1. How will teachers be involved? parents? students?
2. What are the attendance patterns in our school? reasons for absences?
3. Who will enforce the policy? classroom teacher? administrator?
4. Will there be an appeal process?
5. What incentives can be employed to encourage improved or regular attendance?
6. Who, how will the policy/strategy be reviewed periodically?

Written policies should be centered on practices that reinforce the same belief for parents, students, and staff -- that good attendance is important for the child's success in school and in life. Good attendance is expected and desired for all students. The reasons why children do not attend school must be reduced to a specific few -- legitimate illness, a family emergency, a religious holiday, an appointment with a health professional, and an approved planned absence. A clear process for determining when an absence is excused and what documentation is required must be described and adhered to in all cases.

A successful school program depends on parental support, cooperation, and active involvement. The community should share in the responsibility for supporting and promoting school attendance. Businesses who employ students should be reminded that a student's first job is school. Recognition should be given to employers who assist students to stay in school.

## III. *Role of the Attendance Coordinator*

Assuring regular attendance for all students is not, nor should it be, the sole duty of any one person. Under current Maine law, each school unit must designate an attendance coordinator who is professionally qualified to carry out the duties. The emphasis on the coordination is the key to successful early intervention strategies. In this regard, the coordinator must work with all staff and community persons to determine the causes of the irregular attendance. Interviews with parents (guardians), the student and other persons should be carried out professionally and assertively to seek a resolution of the irregular attendance. The attendance coordinator should be involved with the following activities in resolving student attendance problems:

1. providing notice to the parent(s)/guardian(s) and child to discuss the attendance problem and to explain the school policy;

2. sending follow-up notice (telephone, letter) of progress (or lack of progress) in correcting the attendance problem;

3. scheduling a team meeting with the parent(s)/guardian(s) and child to develop an individual attendance improvement plan;

4. monitoring and review of all cases in step 3;

5. filing a report to the principal or superintendent on cases which are not improving;

6. meeting with the team for each case referred to the principal or superintendent to evaluate new strategies and options, if any for resolving the problem;

7. providing documentation and reports on each case for formal review before the superintendent prior to school board notification of hearing;

8. serving as a member of the school unit's dropout prevention committee.

## IV. *A Summary of Maine Statutes Related to Attendance*

Under Maine law, persons 7 years or older and under 17 years of age are required to attend school. Exceptions to school attendance may be granted to a 15 year old, or a 9th grade completer, for a suitable program of work and study or training, with permission of the school board and the parent. Students granted exceptions under this provision must meet annually with their parent(s) and the school board or its designee until the student reaches age 17 to review the student's educational needs.

If a child is absent from school without excuse, the absence is noted as a non-excused absence. A student under age 17 is defined as habitually truant when the student attains ten (10) full days of non-excused absences or seven (7) consecutive school days of non-excused absences. Schools must make attempts to resolve the habitual truancy. Failing to correct the habitual truancy through "informal procedures," the parent of the habitual truant should be brought before the school board for a review of the findings of the school attendance coordinator. The school board has three options for resolving the truancy:

1. to instruct the student to attend school and advise the parent(s) of their responsibility;

2. to waive the compulsory attendance if the student is 15 years of age or older; or

3. to refer their findings to the District Court for seeking a petition to parent(s).

A parent may appeal to the Commissioner the decision of the school board to deny an exception to compulsory education for a 15 year old student.

The District Court in its findings may order injunctive relief on the parent(s) of the of the habitually truant student, including specific court ordered actions to be taken by the parents and/or the student.

Maine education law prohibits employment of an habitual truant unless a release is obtained from the superintendent of schools.

Many employers assist students in learning about the world of work through job shadowing, limited training contracts, and actual paid work experiences. The situation created by the prohibition on hiring habitual truants by employers creates an opportunity for meaningful dialogue between the school (the attendance coordinator) and the employer. This dialogue may strengthen the relationship by relating the work to the goals and education program for the student. Both the employer and the school can benefit by this positive cooperation while helping the student redirect his/her educational plans. The attendance coordinator can play a very pivotal role in this regard, by working with both the school officials and the employers to meet these mutual goals.

# MAINE

# STATUTES

## CHAPTER 211
## ATTENDANCE

## SUBCHAPTER I
## ATTENDANCE

### 20A § 5001-A. Compulsory attendance

Attendance at school shall be required of persons in the State as follows.

**1. Requirement.** Persons 7 years of age or older and under 17 years shall attend a public day school during the time it is in regular session.

**2. Exceptions.** Attendance at school shall not be required of the following:

A. A person who graduates from high school before that person's 17th birthday;

B. A person who has:

(1) Reached the age of 15 years or completed the 9th grade;

(2) Permission to leave school from that person's parent;

(3) Been approved by the principal for a suitable program of work and study or training;

(4) Permission to leave school from the school board or its designee; and

(5) Agreed in writing with that person's parent and the school board or its designee to meet annually until that person's 17th birthday to review that person's educational needs. When the request to be excused from school has been denied pursuant to this paragraph, the student's parent may appeal to the commissioner;

C. A person whose absence is excused under section 5051. The parent of an habitual truant who has been denied a waiver of this paragraph, may appeal to the commissioner in accordance with section 5051, subsection 2, paragraph E; or

D. A person who has matriculated and is attending an accredited, post-secondary, degree-granting institution as a full-time student. An exception to attendance in public school under this paragraph must be approved by the commissioner.

**3. Alternatives to attendance at public day school.** Alternatives to attendance at public day school are as follows.

A. Equivalent instruction alternatives are as follows.

(1) A person shall be excused from attending a public day school if the person obtains equivalent

(a) A private school approved for attendance purposes pursuant to section 2901;

(b) A private school recognized by the department as providing equivalent instruction;

(c) A manner approved by the commissioner pursuant to subparagraph (3); or

(d) Any other manner arranged for by the school board and approved by the commissioner.

(2) A student shall be credited with attendance at a private school only if a certificate showing the name, residence and attendance of the person at the school, signed by the person or persons in charge of the school, has been filed with the school officials of the administrative unit in which the student resides.

(3) A person who wishes to obtain approval of equivalent instruction under rules established by the commissioner for equivalent instruction through home instruction shall simultaneously submit a completed application for approval to the local board and to the commissioner. The local board shall provide for review of the application. The purpose of local review shall only be to facilitate cooperation between local educators and students receiving equivalent instruction and to permit local boards and educators to provide initial review of the application for completion of information required by state rules. Within 30 days of receipt of the application, the local board shall submit its comments on the completeness of the application to the commissioner. Within 30 days of receipt of local comments, the commissioner, using state criteria established by rule, shall decide whether to approve the equivalent instruction application. If the commissioner denies the application, the applicant may, within 30 days of receiving the denial, amend and resubmit the application directly to the commissioner. The commissioner shall make a decision within 30 days of receiving the amended application. If the amended application is approved, the applicant shall send a copy of the amended application to the local board for information purposes.

B. A person may be excused from attendance at a public day school pursuant to section 5104-A or section 8605.

C. A student who is educated under the provisions of paragraph A in any manner other than in a private school approved under chapter 117, subchapter I shall be counted as 1/2 a student for the purpose of computing state aid under chapter 606.

**4. Excusable absence.** A person's absence is excused when the absence is for the following reasons:

A. Personal illness;

B. An appointment with a health professional that must be made during the regular school day;

C. Observance of a recognized religious holiday when the observance is required during the regular school day;

D. A family emergency; or

E. A planned absence for a personal or educational purpose which has been approved.

**5. Adult responsibility.** An adult having a person of compulsory school age under that adult's control shall cause the person to attend school as provided in this section.

**6. Repealed.**

**7. Purpose.** Compulsory education is essential to the preservation of the rights and liberties of the people and the continued prosperity of our society and our nation. Maintaining regular student attendance is necessary to achieve the goal of an educated citizenry. Public schools should ensure the rights of access for all school-age persons to an appropriate educational opportunity and, when necessary, should develop alternatives to regular school curricula for those children and youth at risk of becoming dropouts and those who may have left school.

**20A § 5003. Administration**

**1. School board's responsibility.** School boards shall administer this chapter.

**2. Rules.** School boards shall adopt rules to carry out this chapter and shall file a copy with the commissioner.

**3. Commissioner's responsibility.** The commissioner shall guide school boards in adopting these rules.

## SUBCHAPTER II
## HABITUAL TRUANTS

### 20A § 5051. Habitual truancy

**1. Definition.** A student is habitually truant if the student:

A. Is subject to section 5001-A; and

B. Has attained the equivalent of 10 full days of nonexcused absences or 7 consecutive school days of nonexcused absences during a school year.

**2. Procedures.** The following provisions govern the procedure to be followed when a student is habitually truant.

A. If a principal of a public school and the attendance coordinator determines that a student is habitually truant, the principal shall inform the superintendent. The superintendent shall first try to correct the problem informally.

A-1. As part of the informal measures set out in paragraph A, the superintendent may ask the student's parents to attend a series of meetings with their child's teacher or other school personnel designated by the superintendent. The purpose of the meetings is to describe the education program to the parents and explain the value of their child attending school. The superintendent shall arrange meeting times convenient to the parents.

B. If the principal and the attendance coordinator are unable to correct the problem, the superintendent shall refer the matter to the school board along with the attendance coordinator's report, the principal's report and any other useful information.

C. The school board shall call a hearing and shall notify the student's parent of the following in writing at least 7 days in advance:

(1) The date and time of the hearing;

(2) The purpose of the hearing;

(3) The parent's right to inspect the student's attendance records, attendance coordinator's report and principal's reports; and

(4) The necessity of the parent's and student's presence at the hearing.

D. If the school board determines that the student is habitually truant, it shall either:

(1) Instruct the student to attend school as required by section 5001-A and advise the parents of their responsibility under section 5001-A, subsection 5 to assure the student's attendance; or

(2) Waive the requirements of section 5001-A, if the student is 15 years of age or older.

E. A parent may appeal to the commissioner the decision of the school board which denies to a student who is habitually truant and at least 15 years old a waiver of section 5001-A.

(1) The commissioner shall appoint a fair hearing officer to hear the appeal.

(2) The fair hearing officer shall report to the commissioner on the testimony presented and shall recommend a disposition to the commissioner.

(3) The commissioner shall review the report and shall affirm, modify or reverse the school board's decision on a waiver of section 5001-A.

3. **Reports.** The following provisions apply to reports.

A. A superintendent shall submit an annual report to the commissioner before October 1st. The report shall:

(1) Identify the number of habitual truants in the unit in the preceding school year;

(2) Describe the unit's efforts to deal with habitual truancy;

(3) Account for actions brought under this section; and

(4) Include any other information on truancy requested by the commissioner.

B. The commissioner shall submit an annual report to the Governor and the Legislature before January 15th. The report shall aggregate the information provided by superintendents and shall evaluate the effect of state laws on the incidence of truancy.

**20A § 5052-A. Attendance coordinators**

The following provisions apply to attendance coordinators.

**1. Election.** The following provisions apply to the election of attendance coordinators.

A. A school board shall elect an attendance coordinator or coordinators.

B. Vacancies shall be filled as they occur.

**2. Qualifications.** An attendance coordinator shall be a professionally certified or registered person in the mental health, social welfare or educational system who is qualified to carry out the duties in accordance with rules to be established by the State Board of Education.

**3. Duties.** The duties of an attendance coordinator shall include, but not be limited to, the following:

A. When notified by a principal that a student's attendance is irregular, interviewing the student and the parent or parents or guardian or guardians to determine the cause of the irregular attendance and file a written report with the principal;

B. Filing an annual report with the superintendent summarizing school year activities, findings and recommendations regarding truants; and

C. Serving as a member of the dropout prevention committee in accordance with section 5103.

**4. Department assistance.** The department shall provide technical assistance to school attendance coordinators for carrying out these duties, through the Office of Truancy, Dropout and Alternative Education.

**20A § 5053. Enforcement**

**1. Civil violation.** Having control of a student who is habitually truant and being primarily responsible for that truancy constitutes a civil violation under this chapter.

**2. Jurisdiction.** The District Court shall have jurisdiction of these violations.

**3. Process.** Service of the petition on the parent will be in accordance with the Maine Rules of Civil Procedure.

**4. Repealed.**

**5. Disposition.** The court may order injunctive relief of one or more of the following actions against any person who commits a civil violation under subsection 1:

A. Ordering the offender to comply with this chapter;

B. Ordering the offender to take specific action to ensure the student's attendance at school;

C. Enjoining the offender from engaging in specific conduct which interferes with or may interfere with the student's attendance at school; or

D. Ordering the offender to undergo counseling by a professional selected by the offender, with the court's approval, or by the court. The counselor shall submit a written evaluation to the court and to the offender.

**20A § 5054. Employment of truants prohibited**

Any firm or corporation, or agent or manager of any firm or corporation, who hires or otherwise engages any student who is habitually truant as defined in this subchapter without a release from the student's supervising superintendent of schools shall be subject to the penalty provided in Title 26, section 781.

## SUBCHAPTER III
## DROPOUTS

**20A § 5102. Definitions**

As used in this subchapter, unless the context otherwise indicates, a "dropout" means any person who has withdrawn for any reason except death, or been expelled from school before graduation or completion of a program of studies and who has not enrolled in another educational institution or program.

**20A § 5103. Dropout prevention committee**

The following provisions apply to the dropout prevention committee.

**1. Committee.** Each superintendent, with school board approval, shall annually establish a separate dropout prevention committee for each individual school unit under the superintendent's supervision.

**2. Membership.** The dropout prevention committee shall be composed of the following members:

A. A member of the school board selected by that board;

B. A school administrator selected by the superintendent;

C. A teacher and a school counselor selected by the school administrative unit's teacher organization;

D. A parent selected by the unit's organized parent group, or, if no organized parent group exists, by the school board;

E. A school attendance coordinator from the district selected by the superintendent;

F. A high school student selected by the dropout prevention committee members selected in paragraphs A to E;

G. A dropout selected by the dropout prevention committee members selected in paragraphs A to E; and

H. A community resident of the district selected by the dropout prevention committee members selected in paragraphs A to E.

A dropout prevention committee may increase its membership by majority vote.

**3. Terms and vacancies.** Members shall serve in accordance with policy established by the school board.

**4. Chair.** The dropout prevention committee shall select a chair from among its members.

**5. Responsibilities.** The following provisions apply to responsibilities of the dropout prevention committee.

A. The dropout prevention committee shall:

(1) Study the problem of dropouts, habitual truancy and need for alternative programs, kindergarten to grade 12;

(2) Make recommendations for addressing the problems; and

(3) Submit a plan of action to the school board, in accordance with section 4502, subsection 5, paragraph L.

B. The dropout prevention committee shall consider the following when developing its plan:

(1) Reasons why students drop out of school;

(2) Maintenance of continuing contacts with recent dropouts in order to extend opportunities for

alternate educational programs, counseling and referral;

(3) Education of teachers and administrators about the dropout problem;

(4) Use of human services programs to help dropouts;

(5) The school administrative unit's policies on suspension, expulsion and other disciplinary action; and

(6) Discriminatory practices and attitudes within the school administrative unit.

**6. Annual report.** The dropout prevention committee shall meet at least annually to review its plan and to make recommendations to the school board.

**7. Department assistance.** The department shall provide technical assistance to a dropout prevention committee on request to the Office of Truancy, Dropout Prevention and Alternative Education.

## CONCLUSIONS AND GUIDELINES

Whether legislative action encourages or prohibits the policy of reducing grades or withholding credits for excessive or unlawful absenteeism, one observation is clear: the issue is being debated in numerous state houses and in local districts across the country.

In preparing a local policy that will satisfy both the courts and your local school community, these guidelines may prove useful:

1. Before instituting any policy, examine state statutes and appropriate court cases to determine whether academic penalties may be imposed for absenteeism. Also, read opinions from the attorney general and commissioner of education from your state to see if any directives have been given on this matter.

2. Contact other superintendents in your state who may have instituted attendance policies. Their experiences may prove invaluable to you.

3. If you attempt to institute an attendance policy, publicize your intention to the community so that you may judge its receptivity to the idea. Without the support of your board of education, faculty, parents, and the community in general, the policy will almost certainly be ineffective.

4. Form a broad-based ad hoc committee to assist in developing the policy. Make sure that the intent of the policy is clearly stated to be educational in nature rather than disciplinary.

5. Make sure that the penalties to be imposed for excessive absence are not so harsh or severe as to be a denial of "substantive due process."

6. Once the policy is established, review it to ensure that procedural due process is provided. It should contain these steps and safeguards:

   a) Prior to its enactment, notice of the rules, regulations, and penalties are provided to students and parents. A good way to accomplish this is to explain the policy at parent meetings and at student assemblies.
   b) All students receive a written copy of the policy. Make sure that students who arrive during the school year also receive the policy.
   c) The policy is enforced by all in a fair, consistent, nondiscriminatory manner.
   d) The policy provides for exceptions through an impartial hearing and appeals process.

This Legal Memorandum was prepared by Thomas J. Pepe, superintendent of schools, Windham, Conn.; Alice L. Tufts, director of instruction, Windham, Conn; and Ivan B. Gluckman, general counsel, NASSP.

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